

3.13 Heritage

Introduction

For cultural resource protection purposes, the area of analysis for the Como Forest Health Project EIS comprises all National Forest System lands within and immediately contiguous to the project area boundaries.

3.13.1 Overview of Issues Addressed

When a project is proposed on the Bitterroot National Forest, Heritage program specialists participate in its planning and in the analysis of potential project effects. This participation consists of:

- “ review of historical materials, archival documents, and overviews relevant to the project area;
- “ analysis of the nature of the project and its potential to affect cultural resources;
- “ review of public concerns regarding the project and its potential effect; and
- “ consultation with interested Tribes, cultural resource interest groups and the Montana State Historic Preservation Office.

In the process, the Heritage specialist determines the project’s “area of potential effect” based on the geographic area in which a project may alter the character or use of any existing historic properties.

Based on this information, Heritage specialists determine whether existing cultural resource data is adequate to complete the environmental analysis and disclose potential effects on cultural resources. If the information is insufficient, additional research and inventory is undertaken as needed. When additional inventory is needed, Heritage personnel design a survey strategy to locate all historic properties within the area of potential effect. This strategy is designed in accordance with the criteria defined in “Site Identification Strategy Prepared for the Bitterroot, Flathead, and Lolo National Forests” (SIS). If a survey discovers previously unknown cultural resources, those resources are recorded and their National Register eligibility status determined in consultation with the Montana State Historic Preservation Office (MTSHPO). Both background research and fieldwork are documented in a report submitted to the MTSHPO. The Heritage program manager consults with MTSHPO to determine the nature of the project’s effects on significant properties. If needed, the Heritage program manager and MTSHPO work together to determine appropriate project redesign, restrictions, designation of sensitive areas or mitigation measures. The Heritage program manager coordinates recommendations, actions and monitoring with the project leader, MTSHPO and interested Tribal preservation officials.

A project is determined to affect an historic property when project activities alter the characteristics that qualify the property for inclusion in the National Register of Historic Places (NRHP). In determining the effect, alteration to features of the property’s location, setting, or use may be relevant, depending on the property’s significant characteristics. An adverse effect results when the project may diminish the integrity of an historic property’s location, design, setting, materials, workmanship, feeling, or association

(National Register Bulletin #15; How to Apply the National Register Criteria for Evaluation, US Dept. of Interior, National Park Service, rev. ed. 1995). Adverse effects include (but are not limited to):

- “ physical destruction, damage, or alteration of all or part of the property
- “ isolation of the property from its setting; alteration of the setting’s character when that character contributes to the property’s National Register eligibility
- “ introduction of visual, audible, or atmospheric elements out of character with the property or its setting
- “ neglect of a property resulting in its deterioration or destruction

The Forest Service Heritage Program is responsible for management of cultural resources to prevent loss or damage before they can be evaluated for scientific study, interpretive efforts, or other appropriate uses. This requires projects to be implemented in a manner that avoids adverse effects on historic properties. Where a proposed project would result in impacts to historic properties, project design should anticipate that treatment of the property would conform to sound preservation practice and be consistent with all applicable preservation standards. Project design should ensure that the essential form and integrity of historic properties is not impaired. If the potential for adverse effects cannot be avoided, appropriate mitigation treatments are determined in accordance with 36 CFR 800.5. As an example, mitigation of impacts from timber harvest may include establishment of buffer zones, directional falling, alteration of harvest unit boundaries, changes in road locations, location of skid trails away from historic properties, limiting the harvest methods in certain areas, seasonal limitations, and restrictions on slash disposal or tree planting activities. Where a project has the potential to impact a property of Tribal concern, the Forest Service will consult with Tribal representatives to develop appropriate mitigation measures.

Within the Como Forest Health project boundary, inventory of all areas considered moderate-to-high probability for cultural resource occurrence was completed by November 19, 2013, including resurvey of some areas inventoried prior to 1990. No new sites were discovered within the project area. No known sites are located within an area of potential effect for any proposed treatment unit.

3.13.1.1 Overview of Relevant Laws, Regulations, and Policies

The primary legislation governing modern cultural resource management is the National Historic Preservation Act (NHPA) of 1966 (amended in 1976, 1980, and 1992). All other cultural resource management laws and regulations support, clarify, or expand on the National Historic Preservation Act. Federal Regulations 36 CFR 800 (Protection of Historic Properties), 36CFR 63 (Determination of Eligibility to the National Register of Historic Places), 36 CFR 296 (Protection of Archaeological Resources) and Forest Service Manual 2360 (FSM2360) provide the basis of specific Forest Service cultural resource management practices. These laws and regulations guide the Forest Service in identifying, evaluating, and protecting cultural resources on National Forest System lands. The Forest Service is required to consider the effects of agency actions on cultural resources that are determined eligible for the National Register of Historic Places (NRHP) or on cultural properties not yet evaluated for eligibility. Department of Interior Guidelines for Archaeology and Historic Preservation are also an important element of federal agencies’

management of cultural resources on public lands. On Forest Service administered lands in the Northern Region in the state of Montana, compliance with the National Historic Preservation Act and 36 CFR 800 is frequently accomplished under the terms of the Programmatic of Agreement Among the United States Department of Agriculture, Forest Service, Northern Region (Montana), the Advisory Council on Historic Preservation, and the Montana State Historic Preservation Officer Regarding Cultural Resources Management on National Forests in the State of Montana.

Several other laws address various aspects of cultural resource management on the National Forests, including the National Environmental Policy Act of 1969 (NEPA), the National Forest Management Act of 1976 (NFMA), the Antiquities Act of 1906, the Historic Sites Act of 1935, and the Archaeological Resource Protection Act of 1979, as amended in 1988 (ARPA). ARPA and two other regulatory acts describe the role of Tribes in the federal decision-making process, including cultural resource management. ARPA requires Tribal notification and consultation regarding permitted removal of artifacts from federal lands. The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) recognizes Tribal control of human remains and certain cultural objects on public lands and requires consultation prior to their removal. The American Indian Religious Freedom Act of 1978 (AIRFA) requires federal agencies to consider the impact of their actions on traditional Tribal cultural sites. The National Historic Preservation Act (NHPA) also specifically calls for Tribal participation in the NHPA Section 106 consultation process.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation regard the entire Bitterroot Forest as an area of concern, and are consulted on all projects occurring within the Forest. The Nez Perce Tribe has identified cultural concerns on the Forest within the Selway River and West Fork Bitterroot watersheds, and within the corridor of the Nez Perce (Nee-Me-Poo) National Historic Trail. The project area does not lie within an area of cultural concern for the Nez Perce Tribe. Consultation regarding this project was initiated with the Confederated Salish and Kootenai Tribes on May 27, 2010. Because of the high cultural significance of the Lake Como area to the Bitterroot Salish, consultation is considered ongoing in the event of any new site discoveries during project implementation.

3.13.1.2 Existing Condition of the Affected Environment

The Como Forest Health project area was extensively logged by the Anaconda Copper Mining Company (ACMC) during the early 1900s. ACMC's logging methods were heavily ground disturbing and highly destructive of surface and subsurface cultural features. Surviving cultural features within the project area are almost exclusively those associated with the historic ACMC logging activity or irrigation ditch development.

Since 1976, fifteen archaeological surveys have been conducted in or within a half-mile of the project area, ten of those surveys occurring since 1991. Performed in conjunction with earlier Forest Service management activities, these inventories were conducted by or under the supervision of professional cultural resource specialists and complied with all applicable Federal standards. Surveys conducted include the following projects:

- “ Lick Creek Timber Sale (76-BR-2-2)
- “ North Rock Creek Timber Sale (81-BR-2-2)
- “ Lost Horse Ditch Timber Sale (83-BR-2-1)

- “ Rock Creek Fire Salvage Timber Sale (88-BR-2-1A)
- “ Lick Creek Area Analysis (88-BR-2-1B)
- “ Lick Creek Timber Sale (91-BR-2-2)
- “ Lake Como Recreational Development Plan (92-BR-2-7)
- “ Como Dam Timber Sale (92-BR-2-9)
- “ Lick Creek Horse Log Salvage Sale (93-BR-2-7)
- “ Lick Creek/Lost Horse Salvage Sale (96-BR-2-1)
- “ Rock Creek Trail #580 Reconstruction (97-BR-2-3)
- “ Lake Como Picnic Sites (97-BR-2-4)
- “ Lake Como East Hazardous Fuels Reduction (03-BR-2-1)
- “ 2003 Darby/Sula Salvage Sales (03-BR-2-2)
- “ Lake Como Upper Campground Expansion (10-BR-2-3)

The most recent survey was conducted specifically for this project (10-BR-02-13, Como Forest Health Project) over the 2011, 2012, and 2013 field seasons.

As a result of these surveys, all moderate-to-high probability terrain within or adjacent to the proposed project units had been surveyed for cultural resources by November 19, 2013. Eight cultural sites and the Lick Creek Historic Logging District are known to exist within the project area of potential effect. Sites include a cabin ruin, a logging campsite, a logging railroad grade, an irrigation ditch, a cambium-peeled tree, and two lithic scatters. One site has been formally determined “Not Eligible for the National Register of Historic Places” in consultation with the Montana State Historic Preservation Office, four sites have been determined eligible for the National Register and the remaining three are unevaluated. The unevaluated sites must be managed as eligible sites until a determination of eligibility has been made. None of the eight sites are within treatment unit boundaries or treatment areas of potential effect. The Lick Creek Historic Logging District overlaps the project area, but none of its contributing features is within treatment unit boundaries.

The substantial ground disturbance throughout the project area resulting from historic logging activities, and road and ditch construction makes the discovery of additional significant non-logging-related cultural sites unlikely.

3.13.2 Desired Condition

The existing condition is the desired condition for cultural resources within the project boundary. That is, all moderate-to-high probability terrain has been inventoried for cultural resources and the results have been documented. Any moderate-to-high probability areas that received survey prior to 1990 have been re-examined. Results of the 2013 inventory will be reported to the Montana State Historic Preservation Office, as required under Section 106 of the National Historic Preservation Act and 36CFR800. Eligibility of the three unevaluated sites will be determined in consultation with the Montana SHPO prior to project implementation. The existing or desired condition may be

enhanced if project activities (under-burning, vegetation removal) reveal additional significant features of the Lick Creek Historic Logging District (skid trails, railroad grades, camp locations, etc.)

3.13.3 Environmental Consequences

3.13.3.1 Alternative 1 – No Action

Direct Effects

Because no fuel reduction, timber harvest, reforestation or other proposed activities would occur, there would be no direct effects to cultural resources resulting from those activities within the project area.

Indirect Effects

Failure to reduce fuels could contribute to a greater long-term risk to cultural sites within and around the project area from severe wildfires and related erosion, flood events and noxious weed invasions. Wildfire also increases the risk of site looting and vandalism due to exposure through erosion and lack of vegetative cover.

Cumulative Effects

Failure to reduce the accumulated fuels would increase the potential for severe wildfire, increasing the potential for adverse effects by fire to cultural resources throughout and beyond the Como Forest Health project area, particularly cambium-peeled trees, trails, structures and combustible artifacts. If a severe wildfire event required suppression actions, those actions (hand lines, dozer lines or other ground-disturbing actions) could result in damage to archaeological features within the project area.

3.13.3.2 Summary of Effects

Failure to reduce fuels could contribute to a greater long-term risk to cultural sites within and around the project area from severe wildfires and related erosion, flood events and noxious weed invasions. Wildfire also increases the risk of site looting and vandalism due to exposure through erosion and lack of vegetative cover. Failure to reduce accumulated fuels would increase the potential for severe wildfire, increasing threat of adverse fire effects on cultural resources throughout and beyond the Como Forest Health project area, particularly to cambium-peeled trees, trails, and combustible structures and artifacts. In the event of a wildfire event requiring suppression measures, those measures (hand lines, dozer lines or other ground-disturbing actions) could result in damage to archaeological features within the project area.

3.13.4 All Action Alternatives – Alternatives 2, 3, and 4

Design Features and Mitigation Measures

All alternatives in the Como Forest Health Project have been designed to avoid inclusion of known cultural sites or culturally sensitive areas in areas of potential effect from treatment units and temporary road locations (Chapter 2). Heritage specialists will monitor project activities in the vicinity of known sites during and after implementation.

Direct Effects

Activities associated with the action alternatives all present potential direct adverse effects to Heritage resources. Fuel reduction and timber harvest activities, such as temporary road construction, tree falling, skidding, decking, slash disposal, and underburning, present potential threats to cultural sites. Reforestation measures can also affect cultural sites through ground disturbance during site preparation and planting. However, extensive literature search, tribal and state preservation office consultation, and thorough field surveys have revealed no cultural sites or traditional cultural properties located within the area of potential effect for any of this project's proposed treatment units. Therefore, all alternatives, as designed, would have no direct effects on cultural resources.

Indirect Effects

Many activities associated with the actions in this alternative, particularly that involving timber harvest, have the potential for indirect effects on cultural resources within the area of potential effect, such as temporary auditory and visual disturbances within in the Lick Creek Historic Logging District.

Cumulative Effects

Since the Como Forest Health project has no direct or indirect effects (and only minor indirect effects) on cultural resources, there would be no cumulative effects resulting from implementation of this project. However, past and continuing uses of National Forest affect the protection and preservation of cultural resources, and Tribal access and use of their traditional cultural areas.

Prior to establishment of the Forest Service Heritage Resource Program in 1976, timber harvest, reforestation, and trail, road, and recreational facility development occurred with little analysis of cultural resources impacts. Areas logged, roaded, or otherwise subjected to extensive ground disturbance or subsequent erosion experienced substantial cultural resource destruction. This is the case with the Como Forest Health project area, which was extensively logged by the Anaconda Copper Mining Company (ACMC) during the early 1900s. ACMC's logging methods were heavily ground disturbing and highly destructive of surface and subsurface cultural features. Surviving cultural resources within the project area are almost exclusively those associated with this historic logging activity. Other adverse effects occurred from livestock grazing, irrigation development, and dispersed recreation. Little or no effort was made to deter private collection of historic or prehistoric artifacts on National Forest lands, and losses of cultural resources were extensive in certain locations. While adoption and enforcement of federal cultural resource protection legislation and regulations over the past 30 years has reduced the rate of cultural resource deterioration, it is unrealistic to expect that deterioration can be eliminated.

Forest management practices over the past century, resulting in fuel accumulation, have contributed to the occurrence of intense, stand-replacing wildfires. While many types of cultural resources can survive low-severity fires with little or no damage, high-severity burns destroy or damage a wide range of cultural sites and artifacts. The centuries-old cambium-peeled ponderosa pine trees, which identify many tribal trails and camping areas are one example. On the Bitterroot Forest, many of these peeled trees survived a

succession of low-intensity burns over the past 300 years, only to be destroyed by fires in 2000 (Cambium-peeled trees are located adjacent to the Como FHP project boundary.)

Plants important to the lives of the Bitterroot Salish, Pend d'Oreille and Kootenai Indians, and the areas where the tribes traditionally gathered these plants, have been progressively affected by loss of habitat, herbicide use, livestock grazing, and a variety of other impacts associated with use of National Forest lands. Tribal access to and use of traditional cultural areas has also been affected by development of private lands, resource extraction on forestlands, and increased recreational use in traditional areas. Prior to the preemption of the Lake Como area by Euro-American settlers for recreational use, it was extensively used by the Bitterroot Salish people, and it remains culturally important to the Confederated Salish and Kootenai Tribes.

The Como Forest Health Project will not add to any of these pre-existing historic effects.

3.13.4.1 Compliance with Forest Plan and Other Relevant Laws, Regulations, Policies and Plans

Forest Service cultural resource management and tribal interest protection is regulated by federal laws that direct and guide the Forest Service in identifying, evaluating and protecting cultural resources and addressing tribal treaty rights and cultural concerns. Forest Service Manual direction (2360) reflects all applicable laws. All the project alternatives comply with federal law. The Bitterroot Forest Plan incorporates federal law into the standards; therefore, the proposed action alternatives meet Forest Plan standards. The alternatives comply with the legal mandates to protect cultural resources by excluding treatment units and temporary road locations from cultural sites and areas of potential effect.

3.13.4.2 Summary of Effects

Implementation of the Como Forest Health project, as designed for all alternatives, would have no direct, indirect, or cumulative effects on known cultural resources or areas of potential effect in the project area.